

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

8 ELDON HUFFINE,)
9 Plaintiff,) CASE NO. C07-1556-RSM-JPD
10 v.)
11 DONALD MOLLOY, *et al.*,) ORDER DISMISSING § 1983 ACTION
12 Defendants.)

)

The Court, having reviewed the Report and Recommendation of the Honorable James P. Donohue, United States Magistrate Judge, and the balance of the record, does hereby find and

ORDER:

ORDER:

- (1) The Court adopts the Report and Recommendation.
- (2) The complaint and this action are DISMISSED for failure to state a claim upon which relief can be granted. Plaintiff's application for leave to proceed *in forma pauperis* is DENIED as moot.
- (3) The Clerk is directed to send copies of this Order to plaintiff and to Judge Donohue.

DATED this 14 day of November, 2007.



RICARDO S. MARTINEZ
UNITED STATES DISTRICT JUDGE

ORDER DISMISSING § 1983 ACTION